THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

WRIT PETITION NO. 6346 OF 2000

DATED: 16-08-2005

Between

Md. Iqbal Pasha, S/o. Khairath Ali, aged about 40 years,

Proprietor M/s. Master Weighing System, Nirmal,

Adilabad District.

..... PETITIONER

And

Controller of Legal Metrology, Government of Andhra Pradesh, Hyderabad and another.

..... RESPONDENTS

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WRIT PETITION NO. 6346 OF 2000

ORDER:

The action of the 1st respondent contained in Memo No. 9262/L1/99 dated 04-04-2000 rejecting the petitioner's request to include measuring instruments and weigh bridges in licence Certificate No. 764 of 1998 issued to the petitioner in order to enable him to carry on repairs in weights and measures is impugned in this writ petition. The petitioner accordingly prays for issuance of consequential directions to the respondents to permit him to carry out repairs of weights and measures, weigh bridges platform, weighing and measuring instruments and all other weights and measures.

The petitioner was granted licence dated 18-12-1979 by the 1st respondent for carrying out repairs of weights, measures, weighing and measuring instruments in any place in the area of Nirmal Circle, is the assertion made by him in the affidavit filed in support of the writ petition. He claims to have been attending to the repairs under the said licence. That he applied for grant of renewal of licence in the year 1991. The 1st respondent has allowed the renewal application of the petitioner insofar as weights, measures, weighing scales and counter scales are concerned and did not include weighing and measuring instruments. That Certificate No. 764 of

1998 was accordingly issued in the year 1998. That in case of other repairers, the certificate as prayed for including the weights and measure instruments has not been granted while rejecting the request of the petitioner without any reason or basis. The petitioner made another representation

dated 23-07-1999 requesting the 1st respondent to include the weighing and measuring instruments in the licence. The 1st respondent vide the impugned Memo dated 04-04-2000 rejected to include the repairs of weigh bridges, platforms, weighing instruments in the licence and opined that the petitioner is required to apply for skilled workers test for grant of licence to repair weigh bridges, platform machines, weighing and measuring instruments. That action has been challenged in this writ petition.

In the counter affidavit filed by the respondents, it is explained in clear and categorical terms that the competent authority tested the skill of the petitioner and after testing the skill issued skilled workers test certificate permitting him to undertake repairs of light category of articles of weights and measures vide Certificate dated 06-10-1979. Based on the same certificate, the petitioner's licence was renewed vide Certificate No. 764/1998 in the newly prescribed proforma. The petitioner was neither tested to undertake the repairs of weigh bridges, platform scales of Category II articles nor any such skilled workers certificate to undertake the repairs of weigh bridges, platform scales has been granted to the petitioner.

There is no dispute whatsoever that repairing of weighbridges and platform scales falls under Category II articles. The petitioner admittedly made an application on 14-06-1993 for issuance of licence to repair the equipments under Category II, thereby admitting that what has been granted to him initially was the licence to repair the equipments under Category II. The competent authority having found that there is no valid certificate issued by the Department rejected his prayer to permit him to undertake the repairs of weigh bridges, platform scales which form under Category II. The contention that no separate certificate/licence as such is required to be taken by the petitioner and he is entitled to undertake the repairs of weigh bridges, platform scales under the certificate already granted to him enabling him to undertake the repairs of Category I is not well founded. The articles whose details are mentioned in Category I in respect of which certificate has been granted to the petitioner are totally different from the articles found in Category II. That a separate skilled worker

certificate is required to be obtained to repair weigh bridges, platform scales which fall under Category II. It is a different matter altogether if the petitioner files any such application and undergoes the skill test in order to enable him to apply for and obtain the certificate/licence as prayed for by him. The petitioner cannot be permitted to undertake repairs of articles found in Category II on the strength of the certificate granted to him enabling him to undertake repairs in respect of articles found in Category I. This issue appears to be no more *res integra* but squarely covered by the decision of this Court in Writ Petition Nos. 15962 of 2002 and 11147 of 2003 dated 10-03-2004 which has been followed by another learned single Judge of this Court in Writ Petition No. 18870 of 2002 and Batch dated 18-03-2004.

For the aforesaid reasons, I find no merit in the writ petition and the same shall accordingly stand dismissed. No order as to costs.

(B. Sudershan Reddy, J)

16..08..2005

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